

Article - Health - General

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§19–305.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Adverse event” means an unexpected occurrence that:
- (i) Is related to a resident’s medical or behavioral treatment;
 - (ii) Is not related to the natural course of the resident’s illness or underlying disease condition.
- (3) “Change in condition” means a significant change in a resident’s physical, mental, or psychological status including:
- (i) Life-threatening conditions;
 - (ii) Clinical complications including significant somatic symptoms that require the assessment of or treatment by qualified medical personnel;
 - (iii) The need to discontinue a medication or treatment because of:
 - 1. Adverse consequences; or
 - 2. The need to begin a new form of treatment;
 - (iv) Evaluation at or admission to a hospital;
 - (v) Injuries that require the assessment of or treatment by qualified medical personnel;
 - (vi) The use of restraint or seclusion; and
 - (vii) Suicide attempts.
- (b) (1) Within 24 hours, in accordance with State and federal confidentiality laws, a residential treatment center shall attempt to notify a resident and a resident’s representative, family member, legal guardian, or custodian of:

- (i) A change in condition;
- (ii) An adverse event; and
- (iii) Corrective action, if appropriate.

(2) If a residential treatment center sends a notice to an individual under paragraph (1) of this subsection, the individual may send a written response to the residential treatment center instructing the residential treatment center that:

(i) The individual waives the notification required under paragraph (1) of this subsection; or

(ii) The individual requires notification only in the circumstances specified in writing by the individual.

(c) A residential treatment center shall document the notification required under subsection (b)(1) of this section and the response of the resident and the resident's representative, family member, legal guardian, or custodian in the resident's medical record.

(d) If the Department determines that a residential treatment center failed to notify a resident and a resident's representative, family member, legal guardian, or custodian under subsection (b)(1) of this section, the Department shall require the residential treatment center, as part of a plan of correction, to notify the resident and the resident's representative, family member, legal guardian, or custodian as soon as possible.

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